



DANNEL P. MALLOY

GOVERNOR  
STATE OF CONNECTICUT

Testimony of Andrew J. McDonald

Before the Judiciary Committee

On Senate Bill 31  
An Act Establishing a Commission on Judicial Compensation

Friday, March 9, 2012

Good morning Senator Coleman and Representative Fox, Senator Kissel and Representative Hetherington and other distinguished members of the Judiciary Committee. My name is Andrew McDonald and I am pleased to testify before you as General Counsel to Governor Malloy in support of Senate Bill 31, the Governor's proposal to establish a Commission on Judicial Compensation.

Adequately compensating judges is essential to attracting and retaining a diverse and robust pool of qualified jurists. The most capable attorneys will always have the potential to earn more in the private sector. But compensating judges at a rate that is comparable to other public employees and judges in other states demonstrates to those who want to serve the public that we value the work that our judges perform year after year. As a state, we have not kept pace with our responsibilities in this area, and the problem is growing.

Comparing judicial salaries to those of other state employees, the percentage increase for executive and legislative branch managers has significantly outpaced the percentage increase in salaries for judges.<sup>1</sup> If superior court judges had received increases at the same rates as executive and legislative branch managers since 1995, their salary would be over 30% greater than it is today.<sup>2</sup> Instead, judicial salaries have decrease 8.5% in real dollars since their last adjustment in 2007.<sup>3</sup>

In a national survey of judicial salaries, Connecticut has dropped to 45th in the nation when adjusted for cost of living.<sup>4</sup> While we are lucky to have highly qualified judges sitting on the bench today, without action, our ability to continue to attract such candidates is greatly threatened. And in our effort to attract a more diverse pool of applicants for consideration, we have to do a better job of demonstrating a willingness to compensate judges equitably. Since

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<sup>1</sup> National Center for State Courts, Executive Summary prepared for Chief Court Administrator Barbara M. Quinn., last edited July 2011. (Herein "Executive Summary.")

<sup>2</sup> *Id.*

<sup>3</sup> Using the Bureau of Labor Statistics inflation calculator: [http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm)

<sup>4</sup> National Center for State Courts, *Survey of Judicial Salaries*, July 1, 2011

joining the administration last year, I can tell you that we have had at least two jurists resign from the bench because of financial considerations that were articulated to me.

The National Center for State Courts has identified four key principles that should be applied when setting judicial salaries: equity, regularity, objectivity and separation from politics. In their review of the process in Connecticut, we failed in all four areas.<sup>5</sup> To create a more independent process, the American Bar Association encourages states to develop judicial compensation commissions to determine appropriate compensation levels for judges. Consistent with that goal, the Governor has put forward this proposal for your review and consideration. We also ask that you pass it.

The Judicial Compensation Commission proposed in this bill would remove to the greatest extent practicable the consideration of judicial compensation questions from the realm of politics. The commission would be a nine-member, bipartisan panel with appointments made by all three branches of government. The Commission will include members who have experience in financial management, human resource administration and the determination of executive compensation. The members of the Commission will be required to meet every four years to determine whether the compensation for judges is adequate. They must consider such factors as the economic climate of the state, the rate of inflation since the last adjustment, the compensation received by judges in other states and on the federal bench, the level of compensation for attorneys in the public and private sectors, the state's ability to attract highly qualified attorneys to the bench, compensation adjustments made to other state employees, and the state's ability to fund compensation adjustments. The Commission would submit a report of its findings and recommendations to the General Assembly, the Governor and the Chief Justice and any recommended adjustments will only go into effect unless affirmatively modified by the General Assembly.

I want to be perfectly clear on this point: the Governor is not advocating for judicial raises at this time, and in this economic environment. He is, rather, urging you to adopt a bill that would allow for a rational framework for such discussions to occur in the future, separated to the greatest extent possible from the cauldron of politics. The public's faith in our system of justice depends on judges being dispassionate, objective and apolitical. Why should the manner by which those same jurists' compensation is determined be anything less?

On behalf of the Governor, I urge members of the committee to approve this measure and am happy to answer any questions you may have. Thank you for your time here today.

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<sup>5</sup> Executive Summary, *supra* note 1.